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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gardella *et al.*

Appl. No. 09/672,020

Filed: September 29, 2000

For: **Polypeptide Derivatives of
Parathyroid Hormone (PTH)**

Confirmation No. 2982

Art Unit: 1646

Examiner: Lazar Wesley, E. M.

Atty. Docket: 0609.4820002/LBB/M-G

**Reply To Restriction Requirement And To
Requirement For Election Of Species**

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Commissioner for Patents
Washington, D.C. 20231

Sir:

The following is in reply to the Office Action dated June 8, 2001, requesting an election of one invention to prosecute in the above-referenced patent application, and an election of species within the invention.

Reply to Restriction Requirement and to Requirement for Election of Species

Applicants hereby provisionally elect to prosecute the invention of Group I, represented by claims 1-2 and 8-12, drawn to polypeptides. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. This election is made without traverse.

Applicants further elect, without traverse, SEQ ID NO: 1 as the species to be prosecuted.

Consideration and allowance of all pending claims, are respectfully requested. This species election is made with reservation to have additional species and/or the generic claim considered and allowed if the elected species is found allowable over the prior art.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: April 2, 2003

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